

Discussion of Future Committee  
Meeting Agendas  
Comments from the Public

The meetings will be open to the public. Public participation at the meetings will be allowed during periods announced at the meeting for this purpose. Anyone who wants to file a written statement with the Committee may do so at the time of the meeting or may do so after the meeting by sending the statement to Docket No. 93-076-7, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Comments mailed in should state that they refer to Docket No. 93-076-7 and must be received on or before October 10, 1995, to ensure consideration by the Committee.

This notice is given pursuant to section 10 of the Federal Advisory Committee Act.

Done in Washington, DC, this 1st day of September 1995.

**Terry L. Medley,**

*Acting Administrator, Animal and Plant  
Health Inspection Service.*

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## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 30, 40, and 70

RIN 3150-AF38

### One-Time Extension of Certain Byproduct, Source, and Special Nuclear Materials Licenses

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing, on a one-time basis, a five-year extension of certain byproduct, source, and special nuclear materials licenses. The provisions of the licenses under extension would provide the same authorizations and limits on licensee activities as they do now. The proposed rule specifies the licenses whose expiration dates would not be extended. On a separate but related matter, the Commission is considering the appropriate duration of materials licenses and seeks comments on this topic.

**DATES:** Submit comments by October 10, 1995. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. ATTN: Docketing and Service Branch. Hand deliver comments to: 11555 Rockville Pike, Rockville, MD, 20852, between 7:45 am and 4:15 pm Federal workdays. Copies of comments received may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. For information on submitting comments electronically, see the discussion under Electronic Access in the Supplementary Information Section.

**FOR FURTHER INFORMATION CONTACT:** John Pelchat, NRC, Region II, 101 Marietta Street, NW., suite 2900, Atlanta, GA 30323, telephone (404) 331-5083; or C.W. Nilsen, Office of Nuclear Regulatory Research, NRC, Washington, DC 20555, telephone (301) 415-6209.

#### SUPPLEMENTARY INFORMATION:

##### Background

The materials licensing ("licensing") process sets out provisions for licensing medical, academic, and industrial users of byproduct materials as well as some small scope users of source and special nuclear materials. This process does not apply to the licensing of power and non-power reactors, uranium milling and processing facilities, or fuel production facilities. Recent NRC internal reviews and regulatory impact surveys of materials licensees ("licensees") have highlighted areas in which the current materials licensing process can be improved. The NRC has completed the preliminary phases of an effort to redesign this process. The goals of the licensing process redesign project are (1) to maintain or raise the level of public safety achieved by the current process; (2) to perform licensing reviews and associated tasks an order of magnitude faster than the current process; (3) to utilize modern information technology as a fundamental part of the new process; and, (4) to reduce the resources needed to carry out the licensing program to meet the projected 1998-1999 staffing levels.

In order to make resources available to expedite the development, design, and testing of the proposed new materials licensing process, the Commission proposes to extend, by rulemaking, certain specific materials licenses ("licenses") by five years from the current expiration dates shown on those licenses. Resources that would have otherwise been used to renew these licenses would be devoted to the redesign project. The extension would be a one-time occurrence and the Commission does not envision that any

similar extensions would be granted in any future rulemaking. The extended licenses are not considered to be the equivalent of a renewed license because they would provide the same authorizations and limits on licensee activities as they do now. Accordingly, the extended licenses would not be based on or reference pending renewal applications, including requests, if any, in those renewal applications for NRC approval of changes in current operations. The frequency at which the licensee is inspected would not change. The Commission estimates that more than 80 percent of its 6,500 materials licenses would be extended by this proposed rulemaking.

The Commission believes that it may take this action because no legislative mandate requires that materials licenses have a five-year term. Many years ago, materials licenses were issued for two-year periods. As the uses of radioactive materials became more stable and predictable, the typical duration of licenses was changed to the current five years. The Commission believes that certain specific materials licenses may be extended once by rule for an additional five years beyond their stated expiration date without the normal renewal review and without adverse effect on public health and safety. The Commission's belief is based upon three factors. First, certain specific licenses for which the Commission believes that a renewal review should not be delayed five years would not be affected by this rule. Licenses that may present, in the Commission's view, a greater potential risk from a health and safety standpoint would not be extended by this rulemaking. These licenses are discussed in greater detail below and these licenses would be renewed in accordance with current schedules. Second, the extended licenses would not change the authorized activities or the regulatory requirements with which the licensees must comply. Third, the NRC will continue to inspect licenses that would be extended by this proposed rule. Significant inspection findings would be resolved through the issuance of Notices of Violations that require written responses describing corrective actions or Orders that would modify, suspend, or revoke the license. Accordingly, the Commission believes that there would be reasonable assurance of public health and safety under this rule.

The Commission believes that certain licenses, specified below, should be subject to the health and safety review currently required as part of the 5-year renewal review. These licenses would not have their license terms extended by

this proposed rule. The criteria listed below would be applied as of the effective date of the final rule so as to assure that any extensions are based on the most current information available.

- Any specific license that, on the effective date of the final rule, must have prepared an evaluation or an emergency plan for responding to the release of radioactive materials as required by 10 CFR 30.32(i), 40.31(j), or 70.22(i). The Commission believes that these licenses authorize activities that may pose a significant potential for release of radioactive materials and may result in potential exposure to the public and contamination of the environment. Therefore, renewals of these licenses should continue to be reviewed under existing procedures.

- Any specific licenses whose holders are subject to the financial assurance requirements specified in 10 CFR 30.35, 40.36, or 70.25; and on the effective date of the final rule the holders either (a) have not submitted a decommissioning funding plan or certification of financial assurance for decommissioning, or (b) have not received written notice that the decommissioning funding plan or certification of financial assurance for decommissioning is acceptable. These licenses authorize possession of quantities and forms of licensed materials that pose a potential need for extensive decontamination before termination of the license and release of decommissioned facilities. The Commission believes that renewals of these licenses should continue to be reviewed under existing procedures to ensure that the process of obtaining sufficient funding continues so that appropriate resources are available to support decommissioning activity.

- Any license, as of the effective date of the final rule, that is on the Site Decommissioning Management Plan (SDMP) list. Generally, licenses on the SDMP list are no longer actively using licensed materials. The Commission believes that these licenses should continue to be reviewed under existing procedures to ensure proper evaluation of site remediation activities at facilities where the licensee's radiation safety program may be inactive or scaled back.

- Any specific license whose issuance, amendment, or renewal, as of the effective date of the final rule, is not a categorical exclusion under 10 CFR 51.22(c)(14) and therefore needs an environmental assessment or environmental impact statement pursuant to Subpart A of Part 51 of this chapter. The Commission believes that these licenses authorize activities that may have a potential for impacting the

environment. Therefore, renewals of these licenses should continue to be reviewed under existing procedures.

- Any specific license issued pursuant to 10 CFR Part 70 for which, as of the effective date of the final rule, the license holder is authorized to possess sufficient quantities of special nuclear material to be subject to the criticality accident requirements of 10 CFR 70.24. The Commission believes that renewals of these licenses should continue to be reviewed under existing procedures to ensure the adequacy of the licensees' important criticality safety procedures.

- Specific licenses whose holders have not had at least one prior NRC inspection of licensed activities as of the effective date of the final rule. The Commission believes that it is inappropriate to extend these licenses when it has not verified the effectiveness of the licensees' radiation safety programs by inspection. This verification is part of the safety basis upon which the NRC is relying. NRC inspection procedures require that all new licensees be inspected within six months of the issue date of their license. A few new licenses that might otherwise be extended may not be extended because they have not been inspected. Because the NRC is continually issuing new licenses, it is not practical to immediately inspect all new licensees to determine whether they satisfy the other criteria for the extension of their license expiration dates.

- Specific licenses whose holders, as the result of the most recent NRC inspection of licensed activities conducted before the effective date of the final rule, have either been (a) cited for a Severity Level I, II, or III violation in a Notice of Violation, (b) subject to an Order issued by the NRC, or (c) subject to a Confirmatory Action Letter issued by the NRC. The NRC has identified significant safety or other regulatory issues in these programs as a result of their most recent NRC inspection. The Commission believes that applications for renewal of these licenses should continue to be reviewed under existing procedures.

Apart from these licenses that the Commission has determined may pose a relatively greater risk to public health and safety, the Commission recognizes that there is another set of licenses that will not be extended by this rule. This set includes those licenses with expiration dates before July 1, 1995, whose holders have submitted applications for renewal pursuant to the renewal provisions specified in 10 CFR parts 30, 40, or 70. The Commission intends to continue to review the

submissions of these licensees who have already submitted applications and fees for the renewal of their licenses and are deemed as being in timely renewal. Renewal requests will be granted as the NRC completes its review of those applications that satisfy the requirements specified in the regulations.

The proposed rule will extend the expiration date of those licenses with expiration dates after July 1, 1995, that are in a timely renewal status. As specified in the proposed rule, NRC will consider that these licensees have withdrawn their requests for renewal. Renewal fees paid by these licensees will be refunded.

The July 1, 1995, expiration date was chosen based on resource considerations. The NRC staff has begun the review of many applications for renewal of licenses with expiration dates before July 1, 1995, and it is not appropriate to waste the resources already expended in that effort. On the other hand, most of the applications for renewal of licenses with expiration dates after July 1, 1995, have been received only recently, their review has not begun, and resources will be conserved by extending those licenses.

The Commission recognizes that an entity may hold more than one materials license issued under one or more parts of Title 10 of the Code of Federal Regulations. It is the Commission's intent that each license be considered separately in determining whether its expiration date should be extended under this rule. For example, assume that an entity holds two licenses, A and B, and License A is of the type listed in paragraph (a)(3) of §§ 30.36, 40.42, and 70.38 of this proposed rule, but License B is not. In this situation, the expiration date of License A would not be affected by the rule, but the expiration date of License B would be extended by a period of five years from the expiration date stated in the license.

The selective extension of byproduct, source, and special nuclear materials licenses would result in the freeing of Commission resources that would otherwise be used in the review of these renewal applications. These resources will then be redirected, in part, into the detailed design and testing of the proposed new materials licensing process.

Nothing in this rule relieves licensees from the requirements to file for appropriate amendments to their licenses, when changes in licensed activities occur.

If a licensee should elect not to take full advantage of the license extension, the licensee may request termination of

its license in accordance with the applicable requirements of 10 CFR parts 30, 40, or 70.

The Commission seeks comments on the issue of license duration. In conjunction with the licensing process redesign effort, the Commission also intends to consider the appropriate duration of materials licenses, including whether the duration should differ depending on the nature of the activities permitted under the license. The Commission is aware that for some types of licensed activities the industry has matured and it may be appropriate to consider issuing licenses for longer times, perhaps 10–20 years. The Commission is also aware that some Agreement States routinely issue licenses for periods longer than 5 years. The Commission seeks comments at this time on the general topic of the appropriate duration of licenses. If the Commission ultimately revises its policy on materials license duration, licensees with pending renewal applications that fulfill all regulatory requirements would be granted licenses consistent with the Commission's resolution of the license duration issue.

#### **Agreement State Compatibility**

The Commission has determined that the amended provisions of 10 CFR parts 30, 40, and 70 are not matters of compatibility for evaluating the regulations of States that have entered into agreements (Agreement States) with the Commission pursuant to Section 274.b of the Atomic Energy Act, as amended. Therefore, the States are not required to amend their regulations or licensing practices as a result of this rulemaking. However, the Commission is interested in receiving comments from the Agreement States on the regulatory implications of this proposed rule.

#### **Electronic Access**

Comments may be submitted through the Internet by addressing electronic mail to INTERNET:SECY@NRC.GOV. Comments may also be submitted electronically, in either ASCII text or WordPerfect format (version 5.1 or later), by calling the NRC Electronic Rulemaking Bulletin Board (BBS) on FEDWORLD.

The BBS is an electronic information system operated by the National Technical Information Service of the Department of Commerce. The purpose of this bulletin board BBS is to facilitate public participation in the NRC regulatory process, particularly rulemakings. With publication of this notice, proposed rulemakings and appropriate supporting documents will

be available for review and comment on the BBS. These same documents are also available for review and comment at the NRC's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. The BBS may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

The NRC rulemaking bulletin board (rulemaking subsystem) on FEDWORLD can be accessed directly by using a personal computer and modem, dialing the toll free number 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC rulemaking subsystem can then be accessed by selecting the "Rules Menu" option from the "NRC Main Menu." For further information about options available for NRC at FEDWORLD consult the "Help/Information Center" from the "NRC Main Menu." Users will find the "FEDWORLD Online User's Guides" particularly helpful. Many NRC subsystems and databases also have a "Help/Information Center" option that is tailored to the particular subsystem.

The NRC subsystem on FEDWORLD also can be accessed by a direct dial phone number for the main FEDWORLD BBS at 703–321–3339, or by using Telnet via Internet: fedworld.gov. Using the 703 number to contact FEDWORLD, the NRC subsystem will be accessed from the main FEDWORLD menu by selecting the "Regulatory, Government Administration and State Systems," then selecting "Regulatory Information Mall." At that point, a menu will be displayed that has the option "U.S. Nuclear Regulatory Commission" that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing "/go nrc" at a FEDWORLD command line. If you access NRC from FEDWORLD's main menu, you may return to FEDWORLD by selecting the "Return to FEDWORLD" option from the NRC Online Main Menu. However, if you access NRC at FEDWORLD by using NRC's toll-free number, you will have full access to all NRC systems, but you will not have access to the main FEDWORLD system.

If you contact FEDWORLD using Telnet, you will see the NRC area and menus, including the "Rules Menu." Although you will be able to download documents and leave messages, you will not be able to write comments or upload files. If you contact FEDWORLD using File Transfer Program (FTP), all files can be accessed and downloaded, but

uploads are not allowed, and all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is available. There is a 15-minute time limit for FTP access.

Although FEDWORLD can be accessed through the World Wide Web as well, like FTP, that mode only provides access for downloading files and does not display the NRC "Rules Menu."

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov.

#### **Environmental Impact: Categorical Exclusion**

The NRC has determined that these regulations are the type of actions described in categorical exclusion 10 CFR 51.22(c)(3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this regulation.

#### **Paperwork Reduction Act**

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget approval number 3150–0009 (Part 70) and 3150–0120 (Parts 30 and 40).

#### **Regulatory Analysis**

A regulatory analysis has not been prepared for this rule because it is not expected to have any adverse impact on licensees subject to the proposed rule. These licensees will be postponing, for five years, submission of license renewal applications and the associated fees.

#### **Regulatory Flexibility Analysis**

The NRC is seeking public comments on the potential impact of the proposed rule on small entities. The NRC particularly desires comments from small entities (i.e., small businesses, small organizations, and small jurisdictions under the Regulatory Flexibility Act) as to how the regulations will affect them and how the regulations may be tiered or otherwise modified to impose less stringent requirements on small entities while still adequately protecting the public health and safety. Those small entities that offer comments on how the regulations could be modified to take into account the differing needs of small

entities should specifically discuss the following:

(a) The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community.

(b) How the proposed regulations could be modified to take into account their needs or capabilities.

(c) The benefits that would accrue, or the detriment that would be avoided, if the proposed regulations were modified as suggested by the commenter.

(d) How the proposed regulations, as modified, would more closely equalize the impact of NRC regulations or create more equal access to the benefits of Federal programs as opposed to providing special advantages to individuals or groups; and

(e) How the proposed regulations, as modified, would still adequately protect the public health and safety.

#### Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this proposed rule and, therefore, that a backfit analysis is not required for this proposed rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR 50.109(a)(1).

#### List of Subjects

##### 10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

##### 10 CFR Part 40

Criminal penalties, Government contracts, Hazardous materials transportation, Nuclear materials, Reporting and recordkeeping requirements, Source material, Uranium.

##### 10 CFR Part 70

Criminal penalties, Hazardous materials transportation, Material control and accounting, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 552 and 553; the Nuclear Regulatory Commission is proposing to adopt the following

amendments to 10 CFR Parts 30, 40, and 70.

### PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 continues to read as follows:

**Authority:** Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

2. In § 30.36, paragraph (a) is revised to read as follows:

#### § 30.36 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.

(a)(1) Except as provided in paragraph (a)(2) of this section, each specific license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under § 30.37 not less than 30 days before the expiration date stated in the existing license (or, for those licenses subject to paragraph (a)(2) of this section, 30 days before the deemed expiration date in that paragraph). If an application for renewal has been filed at least 30 days prior to the expiration date stated in the existing license (or, for those licenses subject to paragraph (a)(2) of this section, 30 days before the deemed expiration date in that paragraph), the existing license expires at the end of the day on which the Commission makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.

(2) Each specific license which has an expiration date after July 1, 1995, and is not one of the licenses described in paragraph (a)(3) of this section, shall be deemed to have an expiration date which is 5 years after the expiration date stated in the current license.

(3) The following specific licenses are not subject to, or otherwise affected by, the provisions of paragraph (a)(2) of this section:

(i) Specific licenses for which, on the [effective date of the final rule], an evaluation or an emergency plan is required in accordance with § 30.32(i);

(ii) Specific licenses whose holders are subject to the financial assurance

requirements specified in § 30.35, and on the [effective date of the final rule], the holders either:

(A) Have not submitted a decommissioning funding plan or certification of financial assurance for decommissioning; or

(B) Have not received written notice that the decommissioning funding plan or certification of financial assurance for decommissioning is acceptable;

(iii) Specific licenses whose holders are listed in the Site Decommissioning Management Plan List [which will be available by the effective date of the final rule].

(iv) Specific licenses whose issuance, amendment, or renewal, as of the effective date of the final rule, is not a categorical exclusion under 10 CFR 51.22(c)(14) and, therefore, need an environmental assessment or environmental impact statement pursuant to subpart A of part 51 of this chapter;

(v) Specific licenses whose holders have not had at least one NRC inspection of licensed activities before [effective date of the final rule];

(vi) Specific licenses whose holders, as the result of the most recent NRC inspection of licensed activities conducted before the effective date of the final rule, have been:

(A) Cited for a Severity Level I, II, or III violation in a Notice of Violation;

(B) Subject to an Order issued by the NRC; or

(C) Subject to a Confirmatory Action Letter issued by the NRC.

(vii) Specific licenses with expiration dates before July 1, 1995, for which the holders have submitted applications for renewal under § 30.37 of this part.

\* \* \* \* \*

3. In § 30.37, a new paragraph (b) is added to read as follows:

#### § 30.37 Application for renewal of licenses.

\* \* \* \* \*

(b) If any licensee granted the extension described in § 30.36(a)(2) has a currently pending renewal application for the extended license, that application will be considered withdrawn by the licensee and any renewal fees paid by the licensee for that application will be refunded.

### PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

4. The authority citation for Part 40 continues to read as follows:

**Authority:** Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as

amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); sec. 274, Pub. L. 86-373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); sec. 275, 92 Stat. 3021, as amended by Pub. L. 97-415, 96 Stat. 2067 (42 U.S.C. 2022).

Section 40.7 also issued under Pub. L. 95-601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102-486, sec. 2902, 106 Stat. 3123, (42 U.S.C. 5851). Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

5. In § 40.42, paragraph (a) is revised to read as follows:

**§ 40.42 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.**

(a)(1) Except as provided in paragraph (a)(2) of this section, each specific license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under § 40.43 not less than 30 days before the expiration date stated in the existing license (or, for those licenses subject to paragraph (a)(2) of this section, 30 days before the deemed expiration date in that paragraph). If an application for renewal has been filed at least 30 days prior to the expiration date stated in the existing license (or, for those licenses subject to paragraph (a)(2) of this section, 30 days before the deemed expiration date in that paragraph), the existing license expires at the end of the day on which the Commission makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.

(2) Each specific license which has an expiration date after July 1, 1995, and is not one of the licenses described in paragraph (a)(3) of this section, shall be deemed to have an expiration date which is 5 years after the expiration date stated in the current license.

(3) The following specific licenses are not subject to, or otherwise affected by, the provisions of paragraph (a)(2) of this section:

(i) Specific licenses for which, on [effective date of the final rule], an evaluation or an emergency plan is required in accordance with § 40.31(j);

(ii) Specific licenses whose holders are subject to the financial assurance requirements specified in § 40.36, and on the effective date of the final rule, the holders either:

(A) Have not submitted a decommissioning funding plan or

certification of financial assurance for decommissioning; or

(B) Have not received written notice that the decommissioning funding plan or certification of financial assurance for decommissioning is acceptable;

(iii) Specific licenses whose holders are listed in the Site Decommissioning Management Plan List [which will be available by the effective date of the final rule].

(iv) Specific licenses whose issuance, amendment or renewal, as of [effective date of the final rule], is not a categorical exclusion under 10 CFR 51.22(c)(14) and, therefore, need an environmental assessment or environmental impact statement pursuant to subpart A of part 51 of this chapter;

(v) Specific licenses whose holders have not had at least one NRC inspection of licensed activities before [effective date of the final rule];

(vi) Specific licenses whose holders, as the result of the most recent NRC inspection of licensed activities conducted before the effective date of the final rule, have been:

(A) Cited for a Severity Level I, II, or III violation in a Notice of Violation;

(B) Subject to an Order issued by the NRC; or

(C) Subject to a Confirmatory Action Letter issued by the NRC.

(vii) Specific licenses with expiration dates before July 1, 1995, for which the holders have submitted applications for renewal under § 40.43 of this part.

6. In § 40.43, a new paragraph (b) is added to read as follows:

**§ 40.43 Renewal of licenses.**

\* \* \* \* \*

(b) If any licensee granted the extension described in § 40.42(a)(2) has a currently pending renewal application for the extended license, that application will be considered to be withdrawn by the licensee and any renewal fees paid by the licensee for that application will be refunded.

**PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL**

7. The authority citation for Part 70 continues to read as follows:

**Authority:** Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2071, 2073, 2201, 2232, 2233, 2282, 2297f); secs. 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Sections 70.1(c) and 70.20a(b) also issued under secs. 135, 141, Pub. L. 97-425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 70.7 also issued under Pub. L. 95-601, sec.

10, 92 Stat. 2951 (42 U.S.C. 5851). Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138).

8. In § 70.38, paragraph (a) is revised to read as follows:

**§ 70.38 Expiration and termination of licenses and decommissioning of sites and separate buildings or outdoor areas.**

(a)(1) Except as provided in paragraph (a)(2) of this section, each specific license expires at the end of the day on the expiration date stated in the license unless the licensee has filed an application for renewal under § 70.33 not less than 30 days before the expiration date stated in the existing license (or, for those licenses subject to paragraph (a)(2) of this section, 30 days before the deemed expiration date in that paragraph). If an application for renewal has been filed at least 30 days prior to the expiration date stated in the existing license (or, for those licenses subject to paragraph (a)(2) of this section, 30 days before the deemed expiration date in that paragraph), the existing license expires at the end of the day on which the Commission makes a final determination to deny the renewal application or, if the determination states an expiration date, the expiration date stated in the determination.

(2) Each specific license which has an expiration date after July 1, 1995, and is not one of the licenses described in paragraph (a)(3) of this section, shall be deemed to have an expiration date which is 5 years after the expiration date stated in the current license.

(3) The following specific licenses are not subject to, or otherwise affected by, the provisions of paragraph (a)(2) of this section:

(i) Specific licenses for which, on [effective date of the final rule], an evaluation or an emergency plan is required in accordance with § 70.22(i);

(ii) Specific licenses whose holders are subject to the financial assurance requirements specified in § 70.25, and on [effective date of the final rule], the holders either:

(A) Have not submitted a decommissioning funding plan or certification of financial assurance for decommissioning; or

(B) Have not received written notice that the decommissioning funding plan or certification of financial assurance for decommissioning is acceptable;

(iii) Specific licenses whose holders are listed in the Site Decommissioning Management Plan List [which will be available by the effective date of the final rule].

(iv) Specific licenses whose issuance, amendment or renewal, as of [effective date of the final rule], is not a categorical exclusion under 10 CFR 51.22(c)(14) and, therefore, need an environmental assessment or environmental impact statement pursuant to subpart A of part 51 of this chapter;

(v) Specific licenses whose holders have not had at least one NRC inspection of licensed activities before [effective date of the final rule];

(vi) Specific licenses whose holders, as the result of the most recent NRC inspection of licensed activities conducted before the effective date of the final rule, have been:

(A) Cited for a Severity Level I, II, or III violation in a Notice of Violation;

(B) Subject to an Order issued by the NRC; or

(C) Subject to a Confirmatory Action Letter issued by the NRC.

(vii) Specific licenses with expiration dates before July 1, 1995, for which the holders have submitted applications for renewal under § 70.33 of this part.

(viii) Specific licenses issued pursuant to § 70.31 that, as of [effective date of the final rule], are also subject to the requirements in § 70.24.

9. In § 70.33, a new paragraph (b) is added to read as follows:

#### **§ 70.33 Renewal of licenses.**

\* \* \* \* \*

(b) If any licensee granted the extension described in § 70.38(a)(2) has a currently pending renewal application for that extended license, that application will be considered withdrawn by the licensee and any renewal fees paid by the licensee for that application will be refunded.

Dated at Rockville, Maryland, this 29th day of August, 1995.

For the Nuclear Regulatory Commission.

**James M. Taylor,**

*Executive Director for Operations.*

[FR Doc. 95-22182 Filed 9-7-95; 8:45 am]

BILLING CODE 7590-01-P

## **SMALL BUSINESS ADMINISTRATION**

### **13 CFR Part 108**

#### **Loans to State and Local Development Companies Section 504 Loan Program Amendments**

**AGENCY:** Small Business Administration.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This proposed rule revises the regulations governing the collection of fees and the utilization of interest accruing in accounts established to administer the 504 loan program in order to permit the flexibility required in negotiating with private sector entities for the delivery of the 504 program.

**DATES:** Comments must be received on or before October 10, 1995.

**ADDRESSES:** Comments should be sent to LeAnn M. Oliver, Acting Director, Office of Rural Affairs and Economic Development, Small Business Administration, 409 3rd Street SW., suite 8300, Washington DC 20416.

**FOR FURTHER INFORMATION CONTACT:** LeAnn M. Oliver, Acting Director, Office of Rural Affairs and Economic Development, Small Business Administration, Telephone (202) 205-6485.

**SUPPLEMENTARY INFORMATION:** The proposed rule would amend the rule governing the Central Servicing Agent (CSA) functions. The existing 504 program regulations were promulgated based upon the Agency's experience with a predecessor program. Sufficient experience has accumulated to allow the codification of approaches that have arisen in the administration of the program. This rule clarifies that: (1) Fees can be collected from the borrower of the proceeds of a debenture guaranteed under the program as a one-time initiation fee or a monthly servicing fee, (2) fees can be paid to the CSA from either a specific borrower's payment or from aggregated funds collected pursuant to a master service agreement, and (3) clarifies that 503 companies are to receive periodic pro rata disbursements of interest accruing on loan payments in the Master Reserve Account pending the debenture payment date.

#### **Compliance with Executive Orders 12612, 12778, and 12866, the Regulatory Flexibility Act and the Paperwork Reduction Act.**

#### **Executive Order 12866 and Regulatory Flexibility Act**

SBA certifies that this proposed rule, if adopted, would *not* be a significant regulatory action for purposes of Executive Order 12866 and, for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, would not have a significant economic impact on a substantial number of small entities, for the following reasons:

1. It would *not* result in an annual economic effect of \$100 million or more or adversely affect in a material way the

economy, a sector or the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

2. It would *not* create a serious inconsistency or otherwise interfere with an action taken or planned by another agency.

3. It would *not* materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof.

4. It would *not* raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866

#### **Executive Order 12612**

SBA certifies that this rule, if adopted, would have no Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

#### **Paperwork Reduction Act**

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch. 35, SBA hereby certifies that this proposed rule, if adopted, would impose no new reporting or recordkeeping requirements.

#### **Executive Order 12778**

SBA certifies that this proposed rule is drafted, the extent practicable, in accordance with the standards set forth in section 2 of E.O. 12778.

#### **List of Subjects in 13 CFR Part 108**

Loan programs/business, Small businesses.

For the reasons set forth above, part 108 of the Code of Federal Regulations is amended as follows:

#### **PART 108—[AMENDED]**

1. The authority citation for part 108 continues to read as follows:

**Authority:** 15 U.S.C. 687(c), 695, 696, 697a, 697b, 697c.

#### **Assistance Under Sections 504 and 505**

##### **§ 108.504 [Amended]**

2. Section 108.504(e) is revised to read as follows:

\* \* \* \* \*

(e) *Central Servicing Agent.* This subsection supersedes § 108.503-11 for loans funded under Section 504 and is applicable to all such loans whenever funded.

(1) SBA, in a master servicing agreement, shall designate a Central Servicing Agent (CSA) to act for all 503 companies participating in the sale of 504 Debentures, to ensure uniformity